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Patent & Trademark Law and Related Opinions and Transactions

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April 12, 2001

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

In re: Joseph A. Zierolf
U.S. Serial No. 09/286,650
Filed: April 6, 1999
Docket No. 200099 USA

Allowed: January 12, 2001
Batch No. A54
Art Unit: 2635

Title: METHOD AND APPARATUS FOR DETERMINING POSITION IN A PIPE

Dear Sir:

Attached is a copy of the Part B-Issue Fee Transmittal (PTOL-85) that is being concurrently mailed to the Assistant Commissioner for Patents, Box Issue Fee on April 12, 2001. There is an error in the status of the applicant and the issue fee due on the Part B. This application has been assigned by the inventor to Marathon Oil Company as evidence by the attached assignment and Notice of Recordation. Accordingly, the correct status of the applicant should be "large entity" and the issue fee due should be \$1,240.

Please charge this total issue fee of \$1,240.00 and the fee for 10 advanced order soft copies (\$30) to Deposit Account No. 13-1505. The Commissioner is hereby authorized to charge any additional issue fee and/or any other fees which may be required or credit any overpayment to Deposit Account No. 13-1505.

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(Date of Deposit)

JACK E. EBEL
Name of applicant, assignee, or Registered Rep.

Encls:

Signature

Date

Very truly yours,

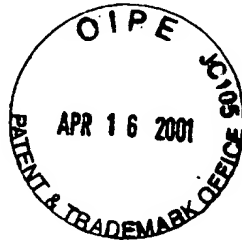
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of
JOSEPH A. ZIEROLF

Serial No. 09/286,650
Docket No. 200099 USA

Filed: April 6, 1999
Allowed: January 12, 2001



Art Unit 2635
Examiner Albert K. Wong

Batch No. A54

METHOD AND APPARATUS FOR DETERMINING POSITION IN A PIPE

April 12, 2001

Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

Sir:

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

On page 2 of the Notice of Allowability dated January 12, 2001, the Examiner commented in part in the statement of reasons for allowance (paragraph 4) that "[T]he claims in the instant application recites a method and apparatus where the passive transponders are at fixed and known locations with the drill string and the reader is a tool that is moved within such an environment." It should be noted that the method and apparatus of the present invention as claimed calls for radio frequency identification devices which may be either passive or active. Such active devices are specifically called for in dependent claims 9 and 19. Accordingly, none of the independent claims of the instant application contain the phrase "passive transponder" nor should any of the

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April 12, 2001

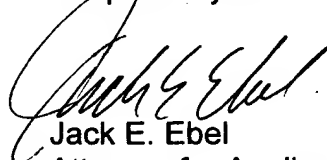
Date of Signature

Jack E. Ebel

independent claims be construed as being limited thereto. Further, the present claimed invention calls for using such radio frequency devices in conjunction with a fluid pipeline (independent claims 1, 11), a fluid transmission line (independent claim 21), a well (independent claims 26, 31, 42) and a fluid line (independent claim 38). None of the claims of the instant application contain the limitation "drill pipe", and accordingly, the claims should not be construed to contain this limitation or be limited thereto. Lastly, the tool that is utilized in the present invention includes or comprises a radio frequency transmitter and/or receiver (independent claims 1, 11 and 38) or the radio frequency transmitter and/or receiver is provided on the tool (independent claims 21, 26, 31 and 42). Accordingly, as none of the independent claims of the present invention contain the limitation that "the reader is a tool", the instant claims should not be construed as containing such as limitation nor as being limited thereto.

The comments set forth above clarify the Examiner's statement of reasons for allowance.

Respectfully submitted,



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